

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1 and 12-13 were pending prior to the Office Action. Claims 14-15 have been added through this reply. No claims have been canceled through this reply. Therefore, claims 1 and 12-15 are pending. Claims 1 and 14 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

OFFICIAL ACTION

Claim Rejection – 35 U.S.C. § 112

Claims 1 and 12-13 are rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as their invention. The Examiner indicates that the term “each” was intended to be “one”. Applicants believe that the term “each” is not indefinite.

Regarding claim 1, the Examiner states that the recitation of “each of the sheet transport guides including a torsion coil spring having an arm portion which is connected to **each** of the driven rollers” should recite something like “each of the sheet transport guides including a torsion coil spring having an arm portion which is connected to [[each]] one of the driven rollers.” (See Final Office Action dated January 8, 2009, page 2, section 1, paragraph 2 – emphasis added in original.)

Further, the Examiner states that the recitation of “wherein each of the sheet transport guides applies elastic force to **each** of the driven rollers so that each of the driven rollers is elastically biased toward the rotation roller” should recite something like “wherein each of the sheet transport guides applies elastic force to [[each]] one of the driven rollers so that each of the driven rollers is elastically biased toward the rotation roller.” (See Final Office Action dated January 8, 2009, page 2, section 1, paragraph 3 – emphasis added in original.)

However, the Examiner's interpretation is incorrect because the recitation "each of the sheet transport guides including a torsion coil spring having an arm portion which is connected to **each** of the driven rollers" is clearly shown in Figure 2A. The Examiner is respectfully requested to review claim 1 in view of Figure 2A, where Figure 2A clearly illustrates that each of the sheet transport guides include a torsion coil spring having an arm portion which is connected to each of the driven rollers.

Therefore, Applicants maintain that claims 1 and 12-13 are *not* indefinite and the rejection to claims 1 and 12-13 should be withdrawn.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 1 and 12-13 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP Publication No. 2001-130780 (hereinafter the "780" publication) in view of Nakano (U.S. Patent 5,540,423). Applicants respectfully traverse this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Argument: Features of claim 1 not taught:

Applicants have amended independent claim 1 merely to further clarify the claimed apparatus in order to move prosecution forward. Claim 1 is directed to a sheet transport mechanism which has a movable member (a driven roller R32 shown in Figure 1 or a separation pad 2 shown in Figure 3) and a sheet transport guide (a torsion coil spring) which applies elastic force to the movable member and forms a sheet transport path by an arm. Such a configuration prevents a gap in a sheet transport path and occurrence of jam.

Furthermore, according to claimed apparatus, each elastic force applied to each of the sheet transport guides is different from each other with distance from a predetermined reference position, as shown in Figures 2B and 2C. The predetermined reference position means the

position where a sheet S of any size necessarily passes. (Support: lines 8-10 of page 10 in the specification).

In contrast to claimed apparatus of claim 1, newly cited Nakano does not disclose the claimed feature that each elastic force applied to each of the sheet transport guides is different from each other with distance from a predetermined reference position.

Independent claim 1 is submitted to be allowable over the combination of the "780" publication and Nakano for at least this reason.

Dependent claims 12-13 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 1 and 12-13 are respectfully requested for at least these reasons.

New claims 14-15 have been added. Applicants submit that the claimed apparatus of independent claim 14 is allowable over the cited prior art. New dependent claim 15 is allowable at least based on its dependency to claim 14.

Conclusion

Therefore, for at least these reasons, claims 1 and 12-15 are believed to be distinguishable over the combination of the 780 publication and Nakano, individually or in any combination. In view of the above amendments and remarks, it is believed that the pending application is in condition for allowance. Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: March 5, 2009

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

703-205-8000

Attorney for Applicant